

Appl. No. : 09/435,562
Filed : November 8, 1999

REMARKS

Claims 38-45, 51-98, 101, 106-109 and 129-135 were pending. With the present Response, Claim 131 is amended and Claim 135 is canceled; therefore, Claims 38-45, 51-98, 101, 106-109 and 129-134 remain pending for consideration.

Allowed Claims

The Applicants would like to thank the Examiner for his thorough review and for indicating that Claims 38-45, 51-98, 129 and 130 are allowed, and that Claims 106 and 135 would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

35 U.S.C. § 102 Rejections

Claims 131-134 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,375,612 to Cottonceau, et al. Claim 131 has been amended to include the limitations of allowed Claim 135 and is now allowable over the cited art. Claims 132-134 depend from Claim 131 and are therefore allowable for at least this reason, as well. In addition, Claims 132-134 are patentable for the unique combination of features recited by the claims, no combination of which is taught or suggested by the cited art. Applicants respectfully request allowance of Claims 131-134 as well.

35 U.S.C. § 103 Rejections

Claims 101 and 107-109 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,928,260 to Chin, et al. in view of U.S. Patent No. 6,258,115 to Dubrul. Applicants respectfully traverse this rejection.

Neither Chin, et al., Dubrul, nor the combination thereof teaches, *inter alia*, an endothelialization membrane attached to at least a proximal face of the device having a pore size sufficient to permit endothelialization. Chin, et al. teach fully or partially covering devices with a perforated elastomeric sheath, formed, for example, from latex or polyurethane. See column 11, lines 6 through 15. The Chin, et al. device is held over the neck of an aneurysm and blood is allowed to flow out of the aneurysm, past the neck of the aneurysm, and through the vessel while

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the device is held over the neck of the aneurysm. See column 2, lines 28 through 33. Nowhere does Chin, et al. teach or suggest an endothelialization membrane. In fact, endothelialization would be contrary to the intended purpose of the Chin, et. al invention, which is "a removable occlusion system" deployed in vasculature containing an aneurysm. See column 1, lines 6 through 8. If the membrane of Chin, et al. were to endothelialize upon deployment in the vasculature, contrary to the teachings of Chin, et al., blood would no longer be able to flow out of the aneurysm and the system would no longer be removable.

Similarly, Dubrul fails to teach an endothelialization membrane as well. Dubrul teaches a catheter or guide wire having filter means disposed thereon operable for trapping tissue fragments dislodged during interventional procedures. See column 4, lines 57 through 60. Dubrul states that "the filter [] is constructed such that it will allow blood to flow through it but [it] will trap 2-300 micron particles . . ." Like Chin, et al., Dubrul fails to teach or suggest endothelialization, as endothelialization would be contrary to the intended purpose of the Dubrul filter. Moreover, the Dubrul filter is intended to be removable from the vasculature. See column 10, lines 3 through 5 ("The balloon and filter are then deflated and retracted respectively and the [sic] removed leaving the stent within the vessel (s) [sic].") As in Chin, et al., if the Dubrul filter were to endothelialize upon deployment in the vasculature, the filter would no longer be removable.

In addition, the Examiner has not pointed to any indication that there would be any motivation to combine, or any likelihood of success in combining a filter designed to trap 2-300 micron particles as described by Dubrul with the aneurysm-treatment device of Chin, et al.

Therefore, Claim 101 is patentable over the cited art, and Applicants respectfully request allowance of Claim 101. Claims 107-109 depend from Claim 101, and are therefore allowable for at least these reasons, as well. In addition, Claims 107-109 are allowable for their unique combination of features, no combination of which is taught or suggested by the cited art.

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CONCLUSION

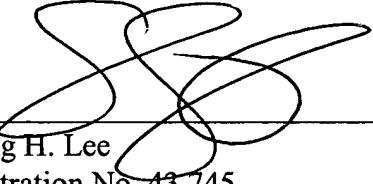
In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance and such action is respectfully requested. If any issues remain or require further clarification the Examiner is respectfully requested to call Applicant's counsel at the number indicated below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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